



FEDERAL LAW ENFORCEMENT
WIRELESS USERS GROUP
WASHINGTON, D.C.



EX PARTE OR LATE FILED July 6, 1998

By Hand Delivery

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: *In the Matter of The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, WT Docket No. 96-86 (rel. October 24, 1994).

Dear Ms. Salas:

ORIGINAL

Pursuant to Section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter is to advise the Federal Communications Commission (Commission), that in connection with the above-referenced rulemaking proceeding, that the Federal Law Enforcement Wireless Users Group (FLEWUG) met with Commission staff and discussed the development of operational, technical and spectrum requirements for meeting federal, state and local public safety agency communication requirements. Mr. Marv Storey, U.S. Department of Agriculture; Mr. Rick Murphy, Department of the Interior; Mr. Rob Zanger, Department of Justice; Ms. Alexa Verveer, Department of Justice; Ms. Margot Bester, Booz-Allen & Hamilton; Mr. Tony Soong, Booz-Allen & Hamilton; and I, met with Mr. Ari Fitzgerald, Ms. Karen Gulick, Mr. Paul Misener, and Mr. John Clark of the Commission. The FLEWUG is filing this ex parte letter in order to summarize the substance of its July 2, 1998 meeting.

The FLEWUG's oral ex parte presentation focused on the importance of interoperability among local, state, and federal public safety entities. The FLEWUG includes all federal agencies that perform public safety functions and is inclusive of organizations and functions beyond law enforcement (with the exception of the Department of Defense).

The FLEWUG opened the meeting with a brief discussion of recent FLEWUG filings at the FCC. During this discussion, the FLEWUG strongly advocated its support for shared systems that support local, state, and federal public safety communications. The FLEWUG also supported additional spectrum allocations for public safety, provided that the identified spectrum is subject to existing government statutes, regulations, and policies, including those pertaining to spectrum auctions.

The FLEWUG expressed its positions regarding the service rules for the newly re-allocated public safety spectrum (i.e., 764-776/794-806 MHz). The FLEWUG stressed that interoperability spectrum should provide frequencies for both first responder scene of action and

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also day-to-day interoperability needs, such as mutual aid operations and task force operations. The FLEWUG urged the FCC to allow direct licensing of interoperability spectrum to public safety entities at all levels of government because the need for interoperability exists among the local, state, and federal levels. The FLEWUG further stated that it is not advocating direct licensing of general use spectrum to federal agencies; however, the FLEWUG is requesting equal access to the general use spectrum for shared systems among the public safety community. The FLEWUG stressed that it is not interested in obtaining this spectrum strictly for federal use or to support federal-only systems. Rather, the FLEWUG advocates partnerships with state and local agencies on shared systems where applicable. Commission staff inquired regarding licensing provisions for shared systems among local, state, and federal entities. The FLEWUG stated that it has not yet discussed the implications of shared licensing, for the 764-776/794-806 MHz band, on existing National Telecommunications and Information Administration (NTIA) and FCC licensing processes. However, the FLEWUG indicated that such matters may be issues of discussion for the Joint NTIA/FCC Public Safety Communications Working Group or the Ad Hoc 214 group of the Interdepartment Radio Advisory Committee (IRAC).

The FLEWUG also expressed its concern that federal eligibility for licensing interoperability spectrum and gaining access to general use spectrum is limited by the Commission's proposed definition of public safety. Thus, the FLEWUG expressed its support for the adoption of the PSWAC definition of public safety, which includes the federal public safety community. This is necessary to allow federal licensing of the interoperability spectrum and to enable federal access to the general use spectrum for shared systems operation.

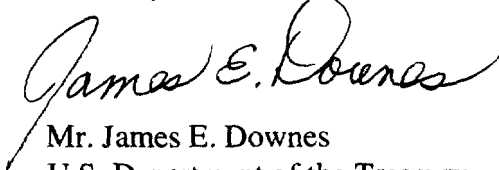
The FLEWUG stated its support for a national coordination body to oversee the entire 764-776/794-806 MHz band, provided that two agendas exist: one for interoperability, the other for general use. It is only through two separate agendas that the appropriate attention may be given to both interoperability communications and general use communications. The FLEWUG also acknowledged the Commission's short time frame to meet its September 30, 1998 deadline to assign spectrum in the 764-776/794-806 MHz band. However, the FLEWUG feels that it is premature to adopt a specific channel allocation plan. In the event that a channel allocation plan is adopted in the near future, the FLEWUG urged the Commission to consider the use of future technologies when adopting the channel allocation plan. Specifically, the FLEWUG believes that a portion of the 764-776/794-806 MHz band should be reserved for future wireless technologies. Such an allocation would enable the public safety community to benefit from the use of future technologies.

In closing, the FLEWUG expressed the need for additional public safety spectrum allocations to achieve the 97.5 MHz recommended by the PSWAC. The FLEWUG also discussed the need for 2.5 MHz of interoperability spectrum below 512 MHz. The FLEWUG stressed that this 2.5 MHz of interoperability spectrum is in addition to the interoperability spectrum to be identified in the 764-776/794-806 MHz band.

In accordance with Section 1.1026(b)(2), the FLEWUG has hereby summarized its ex parte oral presentation of July 2, 1998, to Commission staff regarding the above-referenced proceeding. Any questions regarding this notice should be addressed to the undersigned.

Attached to this ex parte filing is the agenda for the FLEWUG ex parte presentation.

Sincerely,


Mr. James E. Downes
U.S. Department of the Treasury

Enclosure

cc: Mr. Ari Fitzgerald
Ms. Karen Gulick
Mr. Paul Misener
Mr. John Clark

Agenda for FLEWUG Ex-Parte Briefing at the FCC
July 2, 1998

New Business

- FLEWUG Response to NPTSC Petition
- FLEWUG Response to Central and South West Services Request for Waiver

NPRM 96-86

- I. Eligibility and Definition Issues
 - Licensing in the Interoperability Spectrum
 - Eligibility in the General Service Spectrum
 - Adoption of PSWAC definition of public safety
- II. National and Regional Planning
 - Planning process recommendations for the Interoperability Spectrum
 - Planning process recommendations for the General Service Spectrum
 - Recommendation for channel allocation plans
 - Channel spacing
- III. Technical Issues
 - Adoption of receiver standards
 - Interoperability standards
- IV. Additional Issues
 - The need for additional spectrum allocations to achieve the 97.5 MHz called for by PSWAC
 - The need for 2.5 MHz of interoperability spectrum below 512 MHz